

**REMARKS**

This Amendment is responsive to the Final Action dated August 14, 2003. The claim amendments included herein are merely clarifying amendments and are not meant to change the intended scope of the claims. Thus, the amendments present the rejected claims in better form for consideration on appeal, and they should be entered in due course. Moreover, the amendments are manifest, requiring only a cursory review by the Examiner, thereby providing additional ground for their entry.

Claims 1-11 were pending in the application. In the Final Action, claims 1-11 were rejected. In this Amendment, claims 1, 6, 8 and 10 have been amended. Claims 1-11 thus remain for consideration.

In light of the above amendatory matter and remarks to follow, reconsideration and allowance of the instant application are respectfully solicited.

**§103 Rejections**

Claims 1-4 and 6-11 were rejected under 35 U.S.C. §103(a) as being unpatentable over Smolen (USPN 5,915,243) in view of Von Kohorn (USPN 5,227,874).

Claim 5 was rejected under 35 U.S.C. §103(a) as being unpatentable over Smolen in view of Von Kohorn in further view of Goldhaber et al. (USPN 5,855,008) and Gammie et al. (USPN 5,270,809).

Applicant submits that the amended independent claims (claims 1, 6, 8 and 10) are patentable over Smolen, Von Kohorn, Goldhaber and Gammie.

The present invention is directed towards an information receiving device, a method for receiving information, an information transmission device and a method for

transmitting information. The claims specify that points are allocated when a response program is viewed in its entirety by a viewer, and that the points are stored in a smart card. For example, claim 1 recites, in pertinent part:

“an operation means for operating points corresponding to a response program, said points being allocated to a memory when said response program is viewed in its entirety by a viewer ... whereby said points are stored in a smart card.”

Claims 6, 8 and 10 contain similar limitations.

Neither Smolen, Von Kohorn, Goldhaber nor Gammie discloses allocating points when a response program is viewed in its entirety by a viewer and storing the points in a smart card. Accordingly, Applicant believes that the independent claims (claims 1, 6, 8 and 10) are patentable over Smolen, Von Kohorn, Goldhaber and Gammie – taken either alone or in combination – on at least this basis.

Claims 2-5 depend on claim 1. Since claim 1 is believed to be patentable over the cited references, claims 2-5 are believed to be patentable over the cited references based at least on their dependency on claim 1.

Claim 7 depends on claim 6. Since claim 6 is believed to be patentable over the cited references, claim 7 is believed to be patentable over the cited references based at least on its dependency on claim 6.

Claim 9 depends on claim 8. Since claim 8 is believed to be patentable over the cited references, claim 9 is believed to be patentable over the cited references based at least on its dependency on claim 8.

Claim 11 depends on claim 10. Since claim 10 is believed to be patentable over the cited references, claim 11 is believed to be patentable over the cited references based at least on its dependency on claim 10.

Applicant respectfully submits that all of the claims now pending in the application are in condition for allowance, which action is earnestly solicited.

Statements appearing above with respect to the disclosures in the cited references represent the present opinions of the Applicant's undersigned attorney, and, in the event that the Examiner disagrees with any such opinion, it is respectfully requested that the Examiner specifically indicate those portions of the reference providing the basis for a contrary view.

It is submitted that these claims, as originally presented, are patentably distinct over the prior art cited by the Examiner, and that these claims were in full compliance with the requirements of 35 U.S.C. §112. Changes to these claims, as presented herein, are not made for the purpose of patentability within the meaning of 35 U.S.C. §§ 101, 102, 103 or 112. Rather, these changes are made simply for clarification and to round out the scope of protection to which Applicant is entitled.

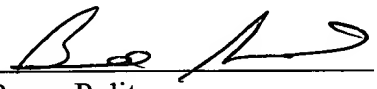
The Examiner has made of record, but not applied, several U.S. Patents. The Applicant appreciates the Examiner's implicit finding that these references, whether considered alone or in combination with others, do not render the claims of the present application unpatentable.

If any issues remain, or if the Examiner has any further suggestions, he/she is invited to call the undersigned at the telephone number provided below.

The Examiner is hereby authorized to charge any insufficient fees or credit any overpayment associated with the above-identified application to Deposit Account No.50-0320.

The Examiner's consideration of this matter is gratefully acknowledged.

Respectfully submitted,  
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